

REMARKS

The present Amendment amends claims 7, 9 and 11, cancels claims 4-6 and 12-21 and adds new claims 22-26. Therefore the present application has pending claims 7, 9, 11 and 22-26.

Claim 4 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. As indicated above, claim 4 was canceled. Therefore, this rejection is rendered moot. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 9 and 19-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by Olivo (U.S. Patent No. 5,172,111); claims 4-6 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Olivo in view of Picco (U.S. Patent No. 6,029,045); claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Olivo and Picco in view of Russo (U.S. Patent No. 5,701,383); and claims 11-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Olivo.

As indicated above claims 4-6 and 12-21 were canceled. Therefore, the 35 U.S.C. §102(b) rejection of claims 19-21 as being anticipated by Olivo, the 35 U.S.C. §103(a) rejection of claims 4-6 as being unpatentable over Olivo in view of Picco, and the 35 U.S.C. §103(a) rejection of claims 12-18 as being unpatentable over Olivo are each rendered moot.

With respect to the remaining claims 7, 9 and 11, the 35 U.S.C. §102(b) rejection of claim 9 as being anticipated by Olivo, the 35 U.S.C. §103(a) rejection of claim 7 as being unpatentable over Olivo and Picco in view of Russo, and the 35 U.S.C. §103(a) rejection of claim 11 as being unpatentable over Olivo are each traversed for the following reasons. Applicants submit that features of the invention as now recited in claims 7, 9 and 11 are not taught or suggested by Olivo, Picco or Russo whether taken individually or in combination with each other, as suggested by the Examiner. Therefore, Applicants respectfully request the Examiner to reconsider and withdraw these rejections.

It should be noted that the cancellation of claims 4-6 and 12-21 was not intended nor should it be considered as an agreement on Applicants' part that the features recited in these claims are taught or suggested by any of the references of record, particularly Olivo, Picco or Russo, whether taken individually or in combination with each other. The cancellation of claims 4-6 and 12-21 was simply intended to expedite prosecution of the present application.

Amendments were made to independent claims 9 and 11 so as to more clearly recite that the present invention is directed to a broadcast signal receiving method and apparatus wherein broadcast information broadcasted and received by the broadcast signal receiving apparatus is displayed (played back) in a manner interlocked with auxiliary information stored in a storage in the broadcast signal receiving apparatus. According to the present invention, the broadcast information includes video and audio data and the auxiliary information includes an executable

program or script. As per the present invention, when the video and audio data stored in the storage unit of the broadcast signal receiving apparatus is being played back, such playback can be stopped according to a predetermined start timing so as to then playback data generated by executing the program or the script included in the auxiliary information.

Further, according to the present invention is that if the program or script is not executed within a predetermined period of time, then execution of the program or the script is canceled. A discussion of these features of the present invention can be found, for example, on page 31, line 8 - page 32, line 8 of the present application.

The above-described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record, particularly Olivo, Picco and Russo.

Olivo teaches a stored media screening device wherein the owner of a program material playback device such as, for example, a video cassette player can automatically and selectively prevent the reproduction of unwanted program material based on information of the attributes of the program. As taught by Olivo, the playback device can control the playback of program material such as, for example, movies and the like provided by the program material signal source 1 based on a material content signal provided, for example, by a material content signal source 3. Olivo teaches that the material content signal does not interfere with or otherwise affect the routine replay of the program material signal and is in effect information relating to the content of the program material signal to which it corresponds. Olivo

teaches, for example, that the material content signal may provide Motion Picture Association of America (MPAA) ratings including R, PG13, PG or G. As per Olivo, by using such ratings, the program material signal can be selectively blocked.

The above-described teachings of Olivo are entirely different from that of the present invention as now more clearly recited in the claims.

For example as indicated above, the claims were amended so as to more clearly recite that auxiliary information includes an executable program or script, and that the broadcast signal receiving method and apparatus can playback either the broadcast signal or data generated by executing a program or a script. Such features are not taught or suggested by Olivo.

Further, as now more clearly recited in the claims, if the program or the script is not executed within a predetermined period of time, then execution of the program or script is canceled.

The above described features of the present invention are clearly not taught or suggested by Olivo. Olivo simply teaches that the program material signal is selectively displayed based on ratings of the program material signal provided by the material content signal. There is no teaching at any point in Olivo that the material content signal is executed, nor that data resulting from such execution is displayed or played back by the program material playback device in an interlocked manner with the program material signal. Olivo simply teaches that the material content signal provides information concerning the content of the program material signal

and that such information is used to selectively block play back of the program material signal.

According to the present invention, the program and the script are software entities that are to be executed by a processor included in the broadcast signal receiving apparatus. The material content signal taught by Olivo is merely attribute type information that is not to be executed by a processor.

Therefore, Olivo fails to teach or suggest that the auxiliary information includes an executable program or script and that the broadcast signal receiving method and apparatus can playback either the broadcast signal or data generated by executing a program or a script as recited in the claims of the present invention.

Further, Olivo fails to teach or suggest stopping play back of the video and audio data stored in the storage unit with a predetermined start timing and then playing back data generated by executing the program or the script of the auxiliary information as recited in the claims of the present application.

Still further, Olivo fails to teach or suggest that if the program or the script is not executed within a predetermined period of time, then execution of the program or the script is canceled as recited in the claims of the present application.

The above-noted deficiencies of Olivo are not supplied by any of the other references of record. Therefore, combining the teachings of Olivo with Picco and/or Russo still fails to teach or suggest the features of the present invention now more clearly recited in the claims.

The Examiner merely relies upon Picco for an alleged teaching of supplemental audio and video content being sent to the user via a broadcast. However, this teaching of Picco does not supply the above-noted deficiencies of Olivo wherein the auxiliary information includes an executable program or script, wherein playback of either the video and audio data or data generated by executing the program or the script is controlled, and wherein execution of the program or the script is canceled, if the program or the script is not executed within a predetermined period of time, as recited in the claims of the present application.

Russo, the same as Picco, is also deficient of the same features relative to the present invention as now more clearly recited in the claims.

Thus, combining Olivo with one or more of Picco and Russo still fails to teach or suggest the features of the present invention, as now more clearly recited in the claims. Therefore, the above-described features of the present invention now more clearly recited in the claims are not taught or suggested by Olivo whether taken individually or in combination with one or more of Picco and Russo. Accordingly, Applicants respectfully request the Examiner to reconsider and withdraw the above described rejections of claims 7, 9 and 11 under 35 U.S.C. §102 and 35 U.S.C. §103.

As indicated above, the present Amendment adds new claims 22-26.

New claims 22-25 depend from claims 9 and 11. Therefore, the same arguments presented above with respect to claims 9 and 11 apply as well to new claims 22-25.

New claim 26 recites many of the same features shown above not to be taught or suggested by Olivo whether taken individually or in combination with one or more of Picco and Russo. Therefore, the same arguments presented above with respect to claims 9 and 11 apply as well to new claim 26.

The remaining references of record have been studied. Applicants submit that they do not supply any of the deficiencies noted above with respect to the references utilized in the rejection of claims 4-7, 9 and 11-21.

In view of the foregoing amendments and remarks, Applicants submit that claims 7, 9, 11 and 22-26 are in condition for allowance. Accordingly, early allowance of the present application based on claims 7, 9, 11 and 22-26 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (referencing attorney docket no. 500.38711X00).

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Carl I. Brundidge
Registration No. 29,621

CIB/sdb
(703) 312-6600